A Performance Audit of the

Signature Verification Process

Improving Controls and Transparency

Office of the Legislative Auditor General

Report to the **UTAH LEGISLATURE**

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October 15, 2024

TO: THE UTAH STATE LEGISLATURE

Transmitted herewith is our report:

"A Performance Audit of The Signature Verification Process: Improving Controls and Transparency" [Report #2024-16].

An audit summary is found at the front of the report. The scope and objectives of the audit are included in the audit summary.

This audit was requested by the Legislative Audit Subcommittee.

Utah Code 13-12-15.3(2) requires the Office of the Legislative Auditor General to designate an audited entity's chief executive officer (CEO). Therefore, the designated CEO for the Office of the Lieutenant Governor is Lieutenant Governor Deidre Henderson. Deidre Henderson has been notified that she must comply with the audit response and reporting requirements as outlined in this section of *Utah Code*.

We will be happy to meet with appropriate legislative committees, individual legislators, and other state officials to discuss any item contained in the report in order to facilitate the implementation of the recommendations.

Sincerely,

Kade R. Minchey, CIA, CFE

Auditor General

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PERFORMANCE AUDIT

▶ AUDIT REQUEST

We were asked to investigate the signatures on nominating petitions for three candidates: Spencer Cox, John Curtis, and Derek Brown. This audit also operates under *Utah Code* 36-12-15.2, which permits us to audit the state's election system each even-numbered year. Our audit work included testing a sample of 1,000 signatures for each candidate and reviewing every petition packet that each candidate submitted.

▶ BACKGROUND

We reviewed the signature verification process on three statewide races to see if it produced accurate results or could be improved. Our audit work was conducted to improve the signature verification process moving forward. There are formal processes in place to qualify or disqualify candidates from the ballot; this audit is not part of those official processes.

The Office of the Lieutenant Governor is the filing officer over statewide races. It has chosen to contract with the Davis County Clerk's Office to verify the signatures on statewide races.

THE SIGNATURE VERIFICATION PROCESS

🎯 KEY FINDINGS

✓ **1.1** A Random Sample of Signatures Identified Some Errors; Improvements Should Be Made To the Signature Verification Process.

✓ **1.2** Signature Verification Standards Would Benefit From Further Clarification and Transparency.

📋 RECOMMENDATIONS

✓ **1.1** The Office of the Lieutenant Governor should establish and follow a quality control process for calculating an error rate on signature verification of candidate petition packets and factor that error rate into the number of signatures that must be verified for each candidate.

✓ **1.2** The Office of the Lieutenant Governor should require training to be done based on the errors that are identified in the quality control process in Recommendation 1.1, as is done with ballot signature audits.

✓ **1.3** The Office of the Lieutenant Governor should further clarify what "substantially similar" and "reasonably consistent" mean in the context of signature verification.

✓ **1.4** The Office of the Lieutenant Governor should make the standards, assumptions, and characteristics that are utilized by election officials to determine the validity of signatures in administrative and training sources publicly accessible.

✓ **1.5** The Legislature should consider options for improving controls over the signature verification process.

✓ **1.6** The Legislature should consider options to make signature verification for candidate petition packets more transparent.

✓ **1.7** The Office of the Lieutenant Governor should formalize and follow chain of custody processes for candidate petition packets.

REPORT SUMMARY

A Random Sample of Signatures Identified Some Errors

We selected a random sample of signatures to test for each candidate. The verification errors we identified fell into two categories: signatures that were accepted but should have been rejected (incorrectly validated), and signatures that were rejected but should have been accepted (incorrectly invalidated). While transparency and controls over the signature verification process could be improved, the process was able to reasonably identify significant instances of invalid signatures. The error rates for each category are shown in the figure at the bottom of this page.

Candidates Fulfilled the Requirements That Were Given to Them

Our audit findings are designed to be prospective. Candidates filled the requirements asked of them under existing processes. Further, while we identified error rates, each candidate had submitted additional signatures and would have

had time to collect additional signatures, if needed. Our work is intended to improve signature verification moving forward and is not a part of formal processes to qualify or disqualify candidates from the ballot.

Signature Verification Standards Would Benefit from Further Clarification and Transparency

Subjectivity in signature verification standards poses a risk to correctly verifying signatures. This risk highlights a need for further clarification of signature verification standards. The Office of the Lieutenant Governor (LG's Office) has established some guidance and training; in our experience reviewing signatures, some basic assumptions about signature verification are still unclear compared to other states. Additionally, the LG's Office should establish additional chain of custody practices for petition packets. While we witnessed certain chain of custody practices, additional controls would provide increased assurance of the security and integrity of candidate petition packets.
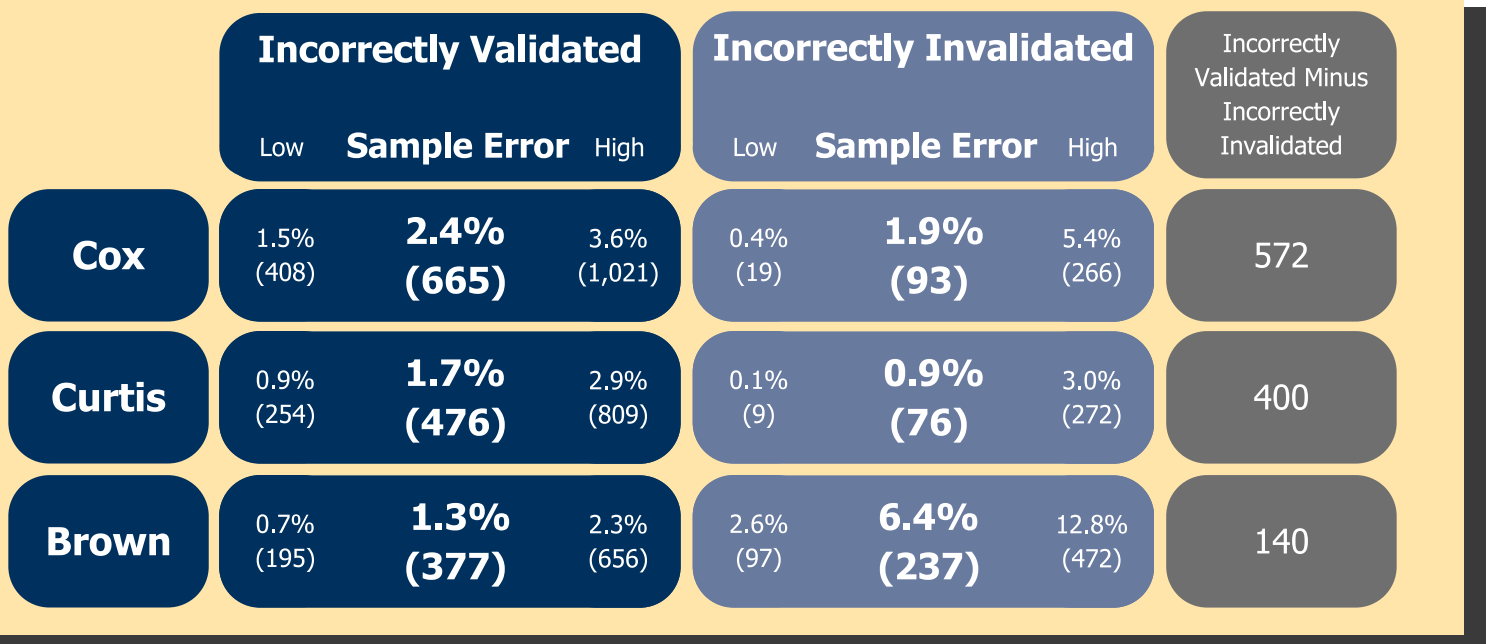
	Incorrectly Validated			Incorrectly Invalidated			Incorrectly Validated Minus Incorrectly Invalidated
	Low	**Sample Error**	High	Low	**Sample Error**	High	
Cox	1.5% (408)	**2.4% (665)**	3.6% (1,021)	0.4% (19)	**1.9% (93)**	5.4% (266)	572
Curtis	0.9% (254)	**1.7% (476)**	2.9% (809)	0.1% (9)	**0.9% (76)**	3.0% (272)	400
Brown	0.7% (195)	**1.3% (377)**	2.3% (656)	2.6% (97)	**6.4% (237)**	12.8% (472)	140

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Stronger Controls and Standards Can Help Ensure Greater Accuracy in the Signature Verification Process

We reviewed the signature verification process that was conducted on candidate petition packets for several statewide offices. While transparency and controls over the existing verification process could be improved, it was able to reasonably identify significant instances of invalid signatures. Further, candidates fulfilled the requirements that were given to them under existing processes. We do note that had existing processes factored in the error rates found in our audit work, all candidates, if necessary, had options to validate additional signatures within the statutory timeframe.

Candidates fulfilled the requirements that were given to them.

We selected a random sample of signatures to review for three campaigns: Spencer Cox, John Curtis, and Derek Brown. Each sample had instances where signatures were misclassified—either they were accepted when they should have been rejected (incorrectly validated), or they were rejected when they should have been accepted (incorrectly invalidated). The error rate for incorrectly validated signatures ranged between about 1.3 percent and 2.4 percent across the three candidates. The error rate for incorrectly invalidated signatures ranged between 0.9 percent and 6.4 percent across the candidates.

Such errors are likely the product of subjective signature verification standards and human error. While we used the results of the 2024 signature verification of candidate petition packets to inform our audit conclusions, our recommendations focus on improving the process moving forward. Primarily, we found that moving forward, an error rate should be factored into the number of signatures required for verification. Had an error rate been calculated, each candidate had either submitted more signatures that could have been validated or would have had more time to collect signatures if needed. Our audit work was conducted to prospectively improve the signature verification process. There are separate formal processes in place to qualify or disqualify candidates from the ballot; this audit is not part of those official processes.

Our audit work was conducted to improve the signature verification process moving forward. There are formal processes in place to qualify or disqualify candidates from the ballot; this audit is not part of those official processes.

In addition, clearer and more transparent standards on what constitutes a valid signature could provide clarity and consistency for signature verification. The Office of the Lieutenant Governor (LG's Office), which has established some guidelines for signature verification, should look for ways to improve the transparency of signature verification standards and assumptions, and the process election workers conduct to validate signatures.

1.1 A Random Sample of Signatures Identified Some Errors; Improvements Should Be Made To the Signature Verification Process

To expand our review and thoroughly audit the whole signature verification process we took the following measures:

After completing the LG's Office's signature verification training, we conducted a thorough review of verified nomination petition signatures. This included verifying that the signer's personal information on the petition matched the information on the voter registration database (VISTA), and comparing the signature on the packet to the signatures in VISTA.

We tested a sample of 1,000 signatures for each candidate, about three times the size of a statistically significant sample. We did so to maximize our review and improve our conclusions and opinions about the full signature verification process.

We also reviewed every packet that was submitted for the three statewide races. We brought in over a dozen auditors to help with our review process, including our most senior auditors.

Source: Auditor generated.

Our sample testing identified error rates in signature verification. Improved guidelines for signature verification can help reduce the errors we identified in our sample. The standards to verify the actual signatures are subjective; that subjectivity contributed to error rates in signature verification. The guidelines for identifying invalid signatures due to incorrect personal information are clear.

We looked through every packet to identify concerns such as photocopying, family members signing for each other, or signatures being submitted for the wrong candidate.

The LG's Office has contracted with the Davis County Clerk's Office (DCC's Office) to verify the signatures on all candidate petitions for statewide offices. Earlier this year when reviewing petition packets, the DCC's Office flagged some packets for having many non-matching signatures. They submitted those packets to the LG's Office for further review and then potential submission to the Office of the Attorney General for review. Because of these earlier concerns, we looked

through every packet that each candidate submitted to identify concerns such as photocopying, signature gatherers signing for people, family members signing for each other, or signatures being submitted for the wrong candidate. Adjustments can be made to the signature verification process to improve controls and transparency, but the verification process is accurate between 97.6 percent and 98.7 percent of the time for correctly validating signatures and between 93.6 percent and 99.1 percent of the time for correctly invalidating signatures.

The Office of the Lieutenant Governor Oversees the Signature Verification Process for Statewide Races

The Lieutenant Governor is the filing officer in charge of the statewide races that we reviewed. The LG's Office provided us with the full list of petition signatures that each of the following candidates submitted for verification in order to qualify for the 2024 primary ballot: Spencer Cox, John Curtis, and Derek Brown. Both the LG's Office and the DCC's Office were responsive and professional in facilitating our independent review of the signature packets and the verification process within the tight deadline for this report. Signature gatherers collected signatures on petition packets and the candidates we reviewed submitted the completed packets directly to the DCC's Office for verification.[1] We were told that the LG's Office did not obtain possession of the packets until after the DCC's Office had finished its verification process.

For each candidate, we selected a random sample of signatures to review. This sample was taken from the full list of petition signatures that the DCC's Office reviewed, as explained in the following infographic.

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[1] *Utah Code* 20A-5-400.1 allows election officers to contract with local political subdivisions to conduct an election. The LG's Office has contracted with the DCC's Office to conduct signature verification for statewide offices, which is why the DCC's Office is involved in this process; however, the Lieutenant Governor is still the responsible filing officer for these races (*Utah Code* 20A-9-101(7)).

Each candidate submitted signature packets to the DCC's Office for verification.
- The DCC's Office reviewed and verified signatures in the packets until the candidate reached the required number of validated signatures.
- We selected our sample of signatures to test from this set of packets that were reviewed by the DCC's Office, allowing us to test how accurately the DCC's office correctly validated and invalidated signatures.

Under a 95% confidence level and allowing for a 5% margin of error, a statistically significant sample size would have been about 380 for each candidate. We increased our sample size to 1,000 for each candidate.

The following packets were not included in our sample testing to verify the DCC's Office's decisions; however, we still reviewed all of them for potential concerns.
- Packets that the DCC's Office did not review because the candidate already reached the required number of validated signatures.
- Packets that the DCC's Office flagged for having many non-matching signatures and were subsequently sent to the Attorney General's Office.

Source: Auditor generated.

We expanded the sample size for our signature verification testing, and additionally inspected every packet, because the purpose of this audit was not simply to test whether signatures were misclassified, but to test the whole signature verification process and make recommendations on how that process could be improved for the future. Looking at every petition packet that the candidates submitted allowed us to check for photocopying or other obvious concerns. Over a dozen auditors from our office, including our most senior auditors, participated in these reviews.

The purpose of this audit was to test the whole signature verification process and make recommendations for improvement.

We Pulled Large Samples to Thoroughly Test the Accuracy of Signature Verification

Our sample testing identified error rates in signature verification for each candidate, suggesting the need for more quality assurance and clearer signature verification standards. The standards say a signature is valid if it is "substantially similar" to signatures in the voter registration database, but details for what "substantially similar" means are not outlined.[2] We completed the LG's Office's signature verification training prior to reviewing the samples. This allowed us to review the samples with the same training that the LG's Office requires signature

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[2] This will be discussed more thoroughly in Section 1.2.

verifiers to complete.[3] We also called 31 individuals to further test and validate signatures. Thirteen individuals answered our multiple calls: ten confirmed that they signed the petition, two did not remember, and one definitively said that they did not sign the petition.

Figure 1.1 shows the percentages of misclassified signatures, or signature verification sample errors that we confirmed. Additionally, Figure 1.1 shows, in parentheses, the number of each type of error that is statistically probable to have occurred during the verification of signatures for each candidate if the sample error rates were applied to the full population of corresponding signatures.

Figure 1.1 Two Types of Misclassified Signatures[4] Show the Need For Improved Guidelines and Quality Assurance of Signature Verification. The DCC's Office misclassified signatures for each of the candidates. The potential for such errors should be taken into account in the future. This figure shows the rate of signature verification errors in our sample (the bolded percentages), as well as the statistically probable number of signatures that would be misclassified if the error rates were applied to the whole population of those types of signatures (bolded numbers in parentheses). The low and high columns factor in a margin of error to show the statistically probable range of the error rates.*

	Incorrectly Validated			Incorrectly Invalidated			Incorrectly Validated Minus Incorrectly Invalidated
	Low	Sample Error	High	Low	Sample Error	High	
Cox	1.5% (408)	**2.4% (665)**	3.6% (1,021)	0.4% (19)	**1.9% (93)**	5.4% (266)	572
Curtis	0.9% (254)	**1.7% (476)**	2.9% (809)	0.1% (9)	**0.9% (76)**	3.0% (272)	400
Brown	0.7% (195)	**1.3% (377)**	2.3% (656)	2.6% (97)	**6.4% (237)**	12.8% (472)	140

Source: Auditor generated from sampling of signatures from petition packets for Spencer Cox, John Curtis, and Derek Brown.
* The low and high sample errors are based on a 95 percent confidence interval.

These results show that signature verification errors go both ways; some signatures that should not have counted were counted (incorrectly validated),

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[3] The DCC's Office utilizes additional training for its staff beyond the statewide training, including hands-on and shadow training.

[4] We recognize that our error rates differ from the exceptions reported by the Office of the State Auditor (OSA) in its letter to the Lieutenant Governor dated September 3, 2024. A likely factor for this is different types of samples. OSA selected samples from the signers who had invoked privacy protection for their voter registration information. We selected our samples from the full list of signers. Another potential factor is the subjective nature of signature verification standards.

and some signatures that should have counted were not counted (incorrectly invalidated). The error rate for Brown's incorrectly invalidated signatures is much higher than the other candidates' error rates because we found more incorrectly invalidated signatures for him than we did for other candidates. For this type of error, we identified three for Cox, two for Curtis, and seven for Brown.

Candidates Fulfilled the Requirements Given to Them

As previously stated, our audit recommendations are designed to be prospective, improving processes going forward. Candidates fulfilled the requirements given to them. We do note that had existing processes factored in the error rates found in our audit work, all candidates, if necessary, had options to validate additional signatures within the statutory timeframe. The candidates could have had the DCC's Office verify more signatures the candidates had already submitted or use the time they had to collect more signatures within the statutory timeframe, as shown in this graphic.

Cox	Submitted an additional 492 signatures* that DCC's Office could have reviewed. Also, would have had 28 more days to collect more signatures.
Curtis	Submitted an additional 2,594 signatures* that DCC's Office could have reviewed. Also, would have had 6 more days to collect more signatures.
Brown	Submitted an additional 1,801 signatures* that DCC's Office could have reviewed. Also, would have had 10 more days to collect more signatures.

Source: Auditor generated.
*Note: *There may be more signatures that could be added to these totals from the packets at the Office of the Attorney General. We do not include them in this count as they are still under review.*

Once a candidate meets the validated signature threshold, they cannot submit more signatures.

Each candidate followed the rules and processes that were asked of them. This includes *Administrative Rule* 623-4, which stipulates that candidates cannot submit more signatures after they have met the 28,000 validated signature threshold. Thus, while each candidate had extra signatures, they could not have supplemented them further unless they were told that they had not reached the signature threshold.

We believe the signature verification process should be improved moving forward. Without factoring in an error rate, signature verification errors will continue to go unaccounted for, which fosters an unreliable validated signature count. The LG's Office should create a process to account for error rates in

signature verification and factor that into the number of signatures that need to be verified. The lack of definition on what a "substantially similar" signature is and human error likely played a role in the misclassifications that we found. Based on the errors identified in calculating that error rate, the LG's Office should also require that training be done to address the underlying cause of those errors.

Recommendations to improve signature verification standards will be discussed in the next section of this report.

RECOMMENDATION 1.1

The Office of the Lieutenant Governor should establish and follow a quality control process for calculating an error rate on signature verification of candidate petition packets and factor that error rate into the number of signatures that must be verified for each candidate.

RECOMMENDATION 1.2

The Office of the Lieutenant Governor should require training to be done based on the errors that are identified in the quality control process in Recommendation 1.1, as is done with ballot signature audits.

Many Petition Signers Were Rejected Prior to Signature Verification

As Figure 1.2 on the following page shows, the DCC's Office invalidated signers for each candidate before they reached the 28,000-signature threshold. Adhering to statute,[5] these signers were rejected if

- The personal information provided with the signature did not match the signer's information on VISTA,

- The signer was not a registered voter or not affiliated as a Republican,

- The signer had already signed for this candidate or another candidate,

- Or the signature did not match the signer's signatures on VISTA.

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[5] *Utah Code* 20A-1-1002; 20A-9-403(3)(d)(iv), and 20A-9-411.

Figure 1.2 The Disqualification of Many Signers by the DCC's Office, Which We Verified by Reviewing Every Packet, Suggests the DCC's Office Reasonably Followed Standards For Verifying Personal Information. The numbers in this figure do not include the signatures in packets that were submitted to the Office of the Attorney General for further review. The DCC's Office completely removed those packets and signatures from the count of submitted and reviewed signatures for each candidate.

	Cox	Curtis	Brown
Signatures Submitted	32,883	36,944	31,694
Rejected Signatures	4,877	8,938	3,690
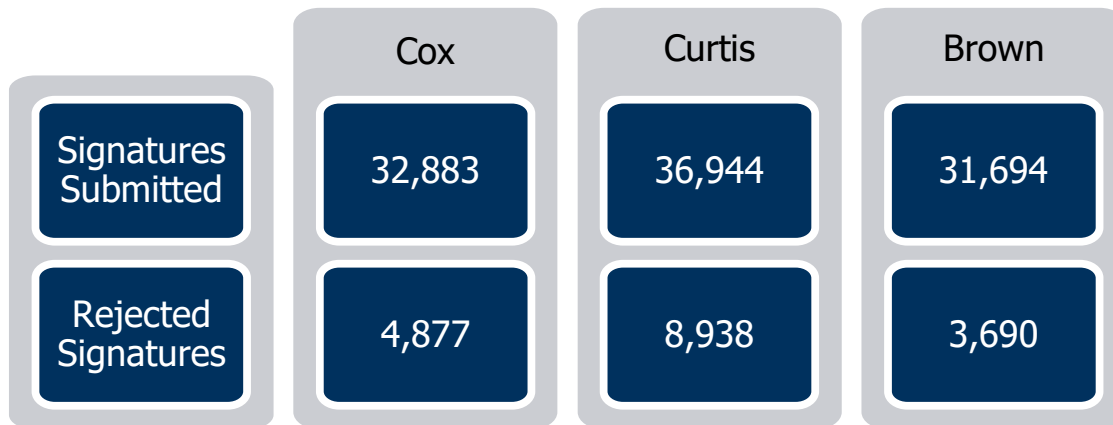
Source: Auditor generated from signature lists for Spencer Cox, John Curtis, and Derek Brown.

After verifying the personal information outlined on the previous page, election workers then verify signatures. Some packets had no signatures rejected, other packets had a few, but a small number of packets had a disproportionate number of signatures rejected and were suspected of potential concerns with the signature gatherer. In these instances, the DCC's Office removed the packet from the verification process and sent it to the LG's Office. The LG's Office then reviewed the packet and determined whether to send it to the Office of the Attorney General for further review. We reviewed concerning packets in the custody of the Office of the Attorney General as part of our audit process.

1.2 Signature Verification Standards Would Benefit From Further Clarification and Transparency

Subjectivity in signature verification standards poses a risk to correctly verifying signatures and highlights a need for further clarification of signature verification standards. OLAG's 2022 election report recommended that standards for signature review, acceptance, and rejection be clarified. [6] That report explained at the time that "*Utah Code* does not provide clear guidance for how to determine if a signature is 'substantially similar' to the reference image." The LG's Office has established some further guidance and training; but in our experience reviewing signatures, some basic assumptions about signature verification are still unclear

> **The LG's Office has established signature verification training but should provide more clarity on verification standards.**

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[6] *A Performance Audit of Utah's Election System and Controls* (Report #2022-17).

compared to other states. *Utah Code* prioritizes transparency in the verification of nomination petitions.[7] As such, we conclude that further clarity and transparency of verification standards is needed. While verification of personal information helps act as a control before a signature can be verified, the Legislature should consider adopting controls for candidate petition packets that are used for other Utah initiative and election processes.

Two Different Verification Standards Are Neither Differentiated nor Defined, Contributing to Lack of Clarity in Signature Verification

Signatures are collected on petition packets and then submitted to filing officers for verification.[8] Verification standards are different for petition packets and ballots, but those differences are not well defined. As we reported in 2022, this can lead to different assumptions and approaches on how to verify signatures across election workers. For petition packets, the signature on the packet must be determined to be "substantially similar" to signatures in VISTA. However, if a signer requests to remove their signature from a petition packet, *Utah Code* instructs election officials to determine whether the signature on the removal statement is "reasonably consistent" with signatures in VISTA. This is the same standard used to verify ballot envelope signatures. While election workers are required to complete the LG's Office's signature verification training on what to look for in a signature,[9] we note that there is no clear guidance on what "substantially similar" or "reasonably consistent" mean in that training, *Utah Code,* or *Administrative Rule*.

Current guidance addresses different scenarios for validating a signer's written name,[10] but it does not address similar scenarios for signatures, such as signatures with initials, casual signatures, or instances where handwriting in VISTA records and the voter information in the petition packet matched more than the signatures did. For such instances, we were told that election workers should start with a presumption that the signature is valid, however, that is not clearly stipulated in *Utah Code*, *Administrative Rules*, or the signature verification training. Figure 1.3 shows how other states offer more detailed guidance.

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[7] *Utah Code* 20A-9-403(3)(d)(i)

[8] The filing officer is the Lieutenant Governor for federal, statewide executive offices, and multi-county candidates. The DCC's Office verified candidate petitions for the races we reviewed under the authority of the Lieutenant Governor. Single-county candidates submit petition signatures to the county clerk where the candidate resides.

[9] *Administrative Rule* R623-11-4(2).

[10] *Utah Code* 20A-1-1001(5).

Figure 1.3 The LG's Office Needs to Provide Clearer Guidance on Signature Verification Standards. Other states provide such guidance in statute or agency policies. We do not specifically recommend these policies but offer them to show examples of how other states have clearer guidance on signature verification standards.

WA — Must utilize the following: "agreement in style and general appearance…agreement in the proportions of individual letters, height to width…irregular spacing, slants, or sizes of letters that are duplicated in both signatures." **WAC 434-379-020**

"A signature may not be rejected merely because a person signed with a middle name, nickname, or initials instead of the first name in the voter registration records, as long as the handwriting [of the signatures] is clearly the same…" **Idaho Secretary of State Directives p. 51** — ID

"A signature may not be rejected merely because…the handwriting on the printed name or address does not match the handwriting on the presented signature. The handwriting of the printed name or address is not relevant to the task of signature matching." **Idaho Secretary of State Directives p. 51** — ID

Source: Auditor generated.

Such guidance provides further clarification and consistency for assumptions that election workers should make when verifying signatures. Furthermore, publishing such guidance in *Utah Code*, *Administrative Rule*, or public documents such as the LG's Office's Candidate Manual would provide further transparency on signature verification procedures. As it stands, the signature verification training, which includes some instructions for determining valid signatures, is only available to election workers. The LG's Office should make those standards publicly accessible as other states do.

RECOMMENDATION 1.3

The Office of the Lieutenant Governor should further clarify what "substantially similar" and "reasonably consistent" mean in the context of signature verification.

RECOMMENDATION 1.4

The Office of the Lieutenant Governor should make the standards, assumptions, and characteristics that are utilized by election officials to determine the validity of signatures in administrative and training sources publicly accessible.

The Verification of Personal Information Acts as a Control for Signature Verification, but Further Controls Would Strengthen the Process

Before validating a signature, election workers must verify that signers are registered to vote in Utah, registered under the correct party affiliation for the candidate collecting signatures, and living in the district that matches the candidate collecting signatures. If these requirements are met, *Utah Code* stipulates that election workers must also verify certain personal information on the petition packet with information in VISTA before verifying a signature as shown in Figure 1.4.

Figure 1.4 The Verification of a Signer's Name, Address, and/or Age Act as a Control Before a Signature Can Be Verified. Between 8 and 12 percent of each candidate's submitted signatures were invalidated because this personal information could not be corroborated, or the signer was not a registered republican.
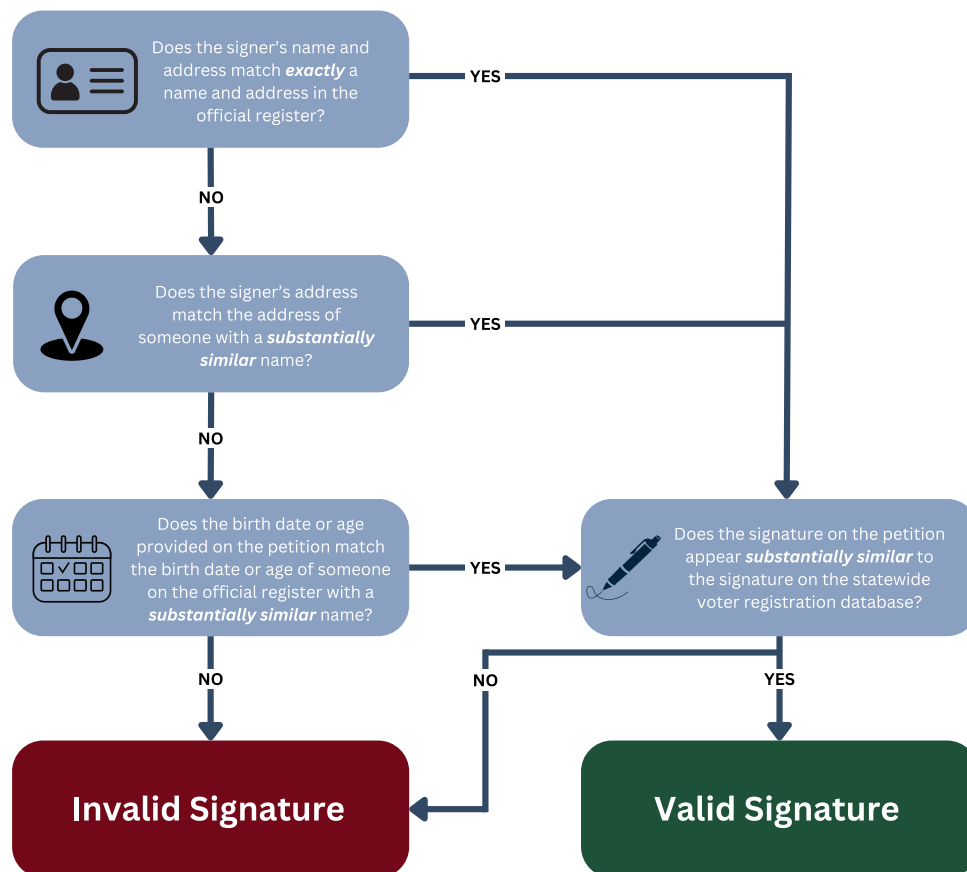
Source: Auditor generated.

If that combination of name, address, and/or age is confirmed, then the election official moves on to verifying the signature. As noted previously, thousands of signatures for each candidate (between eight and twelve percent of all submitted signatures) were invalidated during this process because this information did not match, or the signer was not a registered member of the applicable party. While

this verification of personal information provides some level of control for verifying petition signers, additional controls could be considered for verifying signers and enhancing signature verification training.

A potential control enhancement could be a post-verification signature audit of petition packets. *Utah Code* specifies a process to do this with ballot envelope signatures, requiring an audit of one percent of all signatures and additional staff training be provided, if needed.[11] The Legislature could consider amending *Utah Code* to include post-verification audits of petition packet signatures. Such a process could provide insight into common signature verification errors and help inform the error rates discussed in Recommendation 1.1.

Another potential control to enhance the process would be to notify individuals that they signed a petition packet and give them an option to remove their signature from the packet if they choose. Similar to online security alerts for email accounts—which notify an account owner of a recent login to confirm that a bad actor has not gained access—such a notification would allow individuals to remove their name from the petition if they believe someone else signed for them. It would also permit individuals to remove their name from the petition if they changed their mind after signing the petition. *Utah Code* dictates that filing officers must verify signatures within 14 days after a candidate submits them.[12] Additionally, voters must petition for their signature to be removed from a petition within three days after it is submitted to the filing officer. An adjustment to these timelines may need to be considered if a notification system is put in place.

Notifications could be sent to individuals listed on petition packets, allowing them an opportunity to remove their name if they did not sign the packet.

A similar email process to the previous paragraph is used for local and statewide initiatives and referenda.[13] For those packets, sponsors of the initiative or referenda must send an email to each individual who provides an email address on the packet to notify them that they signed the petition. We recognize that the examples of controls that we explain in this section, as well as the examples for transparency that we explain in the next section, must be weighed against the impacts that they could have on current statute, election officials' time and processes, and voter privacy. How to balance those considerations is ultimately a

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[11] *Utah Code* 20A-3a-402.5.

[12] *Utah Code* 20A-9-403(3)(d)(i).

[13] *Utah Code* 20A-7-105(1) and (5)(c).

policy decision that the Legislature can decide on if it chooses to consider options in this report or other options for controls and transparency.

> **RECOMMENDATION 1.5**
>
> The Legislature should consider options for improving controls over the signature verification process.

Improved Transparency May Bolster Public Perception of the Signature Verification Process

The transparency of candidate signature verification is not as strong as in other initiative and election processes in Utah. Like the suggested improvements in controls, transparency over candidate petition signature verification could also be enhanced by considering practices that are already used in other initiative and election processes. Doing so would help provide stronger assurances about who is signing candidate petitions and how the verification process works.

Citizens Could Be Included in the Post-Verification Signature Audit. The post-verification audit discussed in the previous section could be structured to allow for members of the public to observe the audit process. A comparable practice has been observed during post-election audits in which public citizens are allowed to observe whether votes on the election equipment match the votes selected on the physical ballots. Public citizens could be allowed to view the post-verification audit and witness the determinations that are made for each signature comparison.

The Legislature Could Consider Amending *Utah Code* to Permit the Publication of the Names of Individuals Who Signed Candidate Petitions. The Office of the Lieutenant Governor is statutorily required to publish the names of individuals who sign statewide initiatives and referenda.[14] No similar list is published for candidate petitions as statute does not require it. Additionally, signatures and names on candidate petitions that are classified as private currently cannot be released per *Utah Code*.[15] Since lists are already published for initiatives and referenda, the Legislature could consider whether it wants to amend *Utah Code* and allow for lists to be published for candidate petitions as well.

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[14] *Utah Code* 20A-7-105(6)(a)(ii).

[15] *Utah Code* 63G-2-305.5: "The records custodian of a signature…shall, upon request, except for a name or signature classified as private under Title 20A, Chapter 2, Voter Registration: (a) provide a list of the names of the individuals who signed the petition or request…"

The Legislature Could Consider Including Petition Signature Verification in Poll Watchers Statute. *Utah Code* provides an opportunity for poll watchers to observe the signature verification process on ballots.[16] The LG's Office told us that this section of statute would also allow for watchers to observe signature verification of candidate petitions; however, the Legislature could consider specifying that in *Utah Code*.

> **RECOMMENDATION 1.6**
>
> The Legislature should consider options to make signature verification for candidate petition packets more transparent.

Additional Chain of Custody Controls Would Provide Greater Assurance of the Security and Integrity of Candidate Petition Packets

All candidate petition packets involved in our audit were ultimately accounted for. Verification of petition packets is currently done within an access-controlled room and chain of custody elements were present such as the numbering of verified packets and separation of each candidate's packets in labelled boxes. However, improved chain of custody controls for the candidate petition packets would

- Provide greater assurance that packets with voter signatures are fully accounted for throughout the certification process,

- Provide evidence that the process has not been compromised, and

- Facilitate internal and external audits.

Batching Could Be Employed for Petition Packet Processing To Facilitate Post-Verification Audits and Bolster Chain of Custody. Chain of custody is a process used to track the movement and control of an asset through its lifecycle. Batching is a key component of ballot chain of custody during an election and could be useful for the internal control of candidate petition packets.[17] To conduct a post-verification audit of signatures, as suggested in a previous section, batching—or another similar records management strategy—

> **Stronger batching and chain of custody procedures would improve control over petition packets.**

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[16] *Utah Code* 20A-3a-801(4)(n).

[17] In the state of Washington, batching reportedly facilitates the reconciliation of signature sheet counts during petition processing and makes it easier to track down a specific sheet if needed later.

would likely allow for more targeted location of petition packets selected for audit while diminishing the number of total petition packets handled by staff and auditors.

Activity Logs Should Be Used to Track the Movement and Control of Petition Packets During Processing. During the review of signatures and candidate petition packets, we were unable to locate certain packets because they had been separated and set aside for further review by election officials at the LG's Office. Election officials located these packets when we notified them that the packets were missing, but no record or activity log was kept to document the transfer of packets or the purpose for their separation. Such a record would provide auditable evidence that the packets are accounted for and remain uncompromised.

> **RECOMMENDATION 1.7**
>
> The Office of the Lieutenant Governor should formalize and follow chain of custody processes for candidate petition packets.

Complete List of Audit Recommendations

Complete List of Audit Recommendations

This report made the following seven recommendations. The numbering convention assigned to each recommendation consists of its chapter followed by a period and recommendation number within that chapter.

Recommendation 1.1

We recommend that the Office of the Lieutenant Governor establish and follow a quality control process for calculating an error rate on signature verification of candidate petition packets and factor that error rate into the number of signatures that must be verified for each candidate.

Recommendation 1.2

We recommend that the Office of the Lieutenant Governor require training to be done based on the errors that are identified in the quality control process in Recommendation 1.1, as is done with ballot signature audits.

Recommendation 1.3

We recommend that the Office of the Lieutenant Governor further clarify what "substantially similar" and "reasonably consistent" mean in the context of signature verification.

Recommendation 1.4

We recommend that the Office of the Lieutenant Governor make standards, assumptions, and characteristics that are utilized by election officials to determine the validity of signatures in administrative and training sources publicly accessible.

Recommendation 1.5

We recommend that the Legislature consider options for improving controls over the signature verification process.

Recommendation 1.6

We recommend that the Legislature consider options to make signature verification for candidate petition packets more transparent.

Recommendation 1.7

We recommend that the Office of the Lieutenant Governor formalize and follow chain of custody processes for candidate petition packets.

Agency Response Plan

STATE OF UTAH

SPENCER J. COX
GOVERNOR

OFFICE OF THE LIEUTENANT GOVERNOR
SALT LAKE CITY, UTAH
84114-2220

DEIDRE M. HENDERSON
LIEUTENANT GOVERNOR

October 7, 2024

Auditor General Kade R. Minchey
Office of the Legislative Auditor General

Dear Mr. Minchey,

It has been a pleasure to work with you and your team. I appreciate your efforts to listen, learn, and gain a complete understanding of the complexity of the nomination petition process. I also want to recognize the Davis County Clerk's Office for their service in performing this important signature verification work on behalf of my office and the voters of this state. As you have noted in the report, my office and the Davis County Clerk's Office fully complied with all requests made during this audit.

As noted in the audit, *"While transparency and controls over the existing verification process could be improved, it was able to reasonably identify significant instances of invalid signatures."*All elections officers and verifiers should be proud of their rate of success as found by your audit and commended for their professionalism and success. The signature errors identified in the audit were likely due to the subjective nature of the signature verification process and can be corrected going forward as these recommendations are implemented.

The nomination process, of which candidate nomination petitions are a part, is the result of careful and deliberate efforts by the Legislature over many years to *"ensure full opportunity for persons to become candidates and for voters to express their choice"* in nominating candidates for office (See Utah Code 20A-9-401(1)).

My office consistently strives to improve election processes and procedures and are consistent with our Election laws. We are never satisfied with the status quo. To that end, we appreciate the findings and recommendations of this audit—many of which we stand ready to implement. We look forward to working with the Legislature to continue our shared commitment to strengthening Utah's elections.

Sincerely,

Deidre M. Henderson
Lieutenant Governor

Recommendation 1.1: *The Office of the Lieutenant Governor should establish and follow a quality control process for calculating an error rate on signature verification of candidate petition packets and factoring that error rate into the number of signatures that must be verified for each candidate.*

Response: The Office of the Lieutenant Governor agrees with this recommendation, but also notes that this audit does not identify two changes necessary to Administrative Rule 623-4 that would preclude implementation of recommendation 1.1. The proposed changes to the administrative rule below would minimize the risk posed by any error rate in nomination petition signature verification.

Changes to Administrative Rule 623-4
R623-4-4(D)(3) states, ***"The filing officer shall verify each signature of a nomination petition until the candidate has sufficient signatures to meet the qualification threshold."*** This could be changed to allow election officers to continue signature verification until candidates have enough verified signatures to meet the qualification threshold and verify a reasonable number of additional signatures to exceed any error rate.

R623-4-4(A)(5)(d) states, ***"The filing officer shall reject a submission if: (d) the candidate has already met the qualification threshold."*** This could be changed to allow candidates to submit as many additional signatures as they so choose, up through the deadline described in 20A-9-408(9)(b)(ii) regardless of how many signatures have already been verified.

Nonetheless, the Office of the Lieutenant Governor will develop a plan to audit a sample of verified signatures to calculate an error rate to give reasonable assurance that candidates who submit signatures have more than enough to meet the threshold. This can be done in a written policy.

Documentation: Written policy and amendments to R623-4

Timetable: The written policy will be completed by August of 2025 along with proposed changes to R623-4 so the changes will be in effect before the end of 2025 in preparation for the 2026 election cycle.

Who: Ryan Cowley, Director of Elections - Office of the Lieutenant Governor, 801-538-1041

Recommendation 1.2: *The Office of the Lieutenant Governor should require training to be done based on the errors that are identified in the quality control process in Recommendation 1.1*

Response: The Office of the Lieutenant Governor agrees with this recommendation. As part of the error rate calculation in recommendation 1.1, the Office of the Lieutenant Governor will establish a process for providing additional training to workers based on the errors identified. Workers who continue to have above average error rates after additional training shall be removed from signature verification.

Documentation: Written policy and possible amendments to R623-4

Timetable: The written policy will be completed by August of 2025 along with any proposed changes to R623-4 so the changes will be in effect before the end of 2025 in preparation for the 2026 election cycle.

Who: Ryan Cowley, Director of Elections - Office of the Lieutenant Governor, 801-538-1041

This process will be identified by August 2025 and added to Rule 623-4 as applicable.

Recommendation 1.3: *The Office of the Lieutenant Governor should further clarify what "substantially similar" and "reasonably consistent" mean in the context of signature verification.*

Response: The Office of the Lieutenant Governor agrees that "substantially similar" can be further clarified.

The Office of the Lieutenant Governor has created required signature verification training in consultation with a forensic documents examiner that provides insight into the characteristics of signatures. The training incorporates concepts identified in this audit by the state of Washington which says that those verifying signatures "(m)ust utilize the following: 'agreement in style and general appearance…agreement in the proportions of individual letters, height to width…irregular spacing, slants, or sizes of letters that are duplicated in both signatures.'"

The Office of the Lieutenant Governor will review its signature training module to identify ways it can further clarify what "substantially similar" signatures mean. This review will be completed by August 2025. Additional characteristics will be added to the R623-4 in conjunction with recommendations 1.1 and 1.2.

Documentation: Updated training (if updates are deemed necessary) and amendments to R623-4 to further establish what characteristics help establish a substantially similar signature for a candidate nomination petition.

Timetable: The training review will be completed and updates made by August of 2025 along with proposed changes to R623-4 so the changes will be in effect before the end of 2025 in preparation for the 2026 election cycle.

Who: Ryan Cowley, Director of Elections - Office of the Lieutenant Governor, 801-538-1041

Recommendation 1.4: *The Office of the Lieutenant Governor should make the standards, assumptions, and characteristics that are utilized by election officials to determine the validity of signatures in administrative and training sources publicly accessible.*

Response: The Office of the Lieutenant Governor agrees with this recommendation.
The changes and standards that will be in amended R623-4 will be publicly available and can be referenced in material produced by the Office of the Lieutenant Governor.

Documentation: R623-4 will be amended and in place by the end of 2025. This rule and the standards will be shared and referenced in materials produced by the Office of the Lieutenant Governor.

Timetable: Proposed change to rule 623-4 will be prepared by August 2025 so the changes will be in effect before the end of 2025 in preparation for the 2026 election cycle.

Who: Ryan Cowley, Director of Elections - Office of the Lieutenant Governor, 801-538-1041

Recommendation 1.5 *The Legislature should consider options for improving controls over the signature verification process.*

Recommendation 1.6 *The Legislature should consider options to make signature verification for candidate petitions more transparent.*

Response: Recommendations 1.5 and 1.6 are to the Legislature. The Office of the Lieutenant Governor welcomes the opportunity to work with the Legislature to facilitate and implement any new legislation. We recommend the Legislature clarify the code to ensure that poll watchers can observe the signature verification process.

This report makes comparisons between candidate nomination petitions and processes currently in place for initiatives and referendums. As discussions occur regarding potential legislation, we urge the Legislature to carefully consider the inherent difference between types of petitions, their purposes, and the tight timelines that exist in the nomination process so that challenges to candidacy can timely occur with time for resolution prior to candidate certification for a primary election. The Office of the Lieutenant Governor is willing to provide information as needed.

Recommendation 1.7 *The Office of the Lieutenant Governor should formalize and follow chain of custody processes for candidate petition packets, including batching and activity logs.*

Response: The Office of the Lieutenant Governor agrees with this recommendation.

The Office of the Lieutenant Governor will formalize the chain of custody practices already in place for candidate nomination petitions. Much of this is in place but can be formalized in written policy. The current chain of custody practices includes requiring that packets be submitted to the clerk of the county where they will be verified. Signature packets are verified in a secure environment with security cameras and are boxed up after verification. The boxed signature packets are then transported by two election workers and placed into storage. To facilitate the new recommendation for calculating an error rate, the packets could be stored in numeric order and then sealed once the verification threshold has been met.

Documentation: The chain of custody can be formalized in written policy.

Timetable: The chain of custody written policy will be completed by August 2025.

Who: Ryan Cowley, Director of Elections - Office of the Lieutenant Governor, 801-538-1041

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